



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,546	05/30/2000	Dazhi Chen	56803.000003	1559

29315 7590 01/02/2003

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
12010 SUNSET HILL ROAD
SUITE 900
RESTON, VA 20190

EXAMINER

HARLE, JENNIFER I

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,546

Applicant(s)

CHEN ET AL.

Examiner

Jennifer I. Harle

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claims 1-48 are pending. Claims 1-48 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Eggleston (6,061,660).

Eggleston teaches a method and system to enabling one or more users to request incentives to dine at one or more user selected restaurants through a web site for receiving requests for incentives at one or more user selected restaurants, processing the requests to determine whether the incentives should be provided to the user, providing a response to the user indicating if any incentives are being offered by one or more restaurants and receiving at the web site a selection from the user for an incentive (See the entire patent but see specifically – Figs. 10-12, 15-18, 20 and 25-26; Abstract, col. 2, lines 35-55, cols. 3-4, lines 44-1, Summary of the Invention, col. 12, lines 49-57, col. 16, lines 30-45, cols. 19-20, cols. 25-26, cols. 31-32, col. 43, lines 60-63).

2. Claims 1-2, 12, 17-18, 20, 35-36, 36, 41-42, and 44 are rejected under 35 U.S.C. 102(a) as being anticipated by restaurantrow.com.

As per claim 1, restaurantrow.com teaches a method for enabling one or more users to request incentives to dine at one or more user selected restaurants, the method comprising the steps of (restaurantrow.com – Transmedia Card):

Providing a web site for receiving requests from users for incentives for dining at one or more user selected restaurants (Search Page – under selected features can search for restaurants that accept Transmedia Card);

Providing a response to the user indicating if any incentives are being offered to the user by the one or more restaurants (Search Results);

Receiving at the web site a selection from the user for an incentive (restaurantrow.com - In This case the incentives are provided through Transmedia at multiple restaurants).

As per claim 2, restaurantrow.com teaches receiving a request along with one or more dining parameters (Search page – dining parameters include types of ambiance and types of entertainment).

As per claim 11, restaurantrow.com teaches the incentive is a discount percentage (Transmedia Card provides a set percentage discount off the meal).

As per claim 12, restaurantrow.com teaches guaranteeing the incentive with a registered mode of payment (The discount to the meal is guaranteed once the Transmedia card is utilized to pay for the meal. Thus, the incentive is guaranteed with a registered mode of payment.).

As per claim 17, restaurantrow.com teaches the step of processing the incentive request further comprises the step of determining a maximum discount amount (Transmedia Card – the maximum discount amount if applicable is 20%).

As per claim 18, restaurantrow.com teaches the step of determining an adjusted maximum discount by multiplying the maximum discount amount with a restaurant defined multiplier (Transmedia Card – the restaurant defined multiplier in this case is zero).

As per claim 20, restaurantrow.com teaches the step of determining a base discount percentage (Transmedia Card – the base discount percentage in this case is 20% as per the rules of the card).

Systems claims 25-26, 36, 41-42 and 44 are rejected for the same reasons set forth in the method claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 21, 23, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over restaurantrow.com.

As per claim 21, restaurantrow.com does not teach adjusting a discount percentage for restaurant defined competitors. It is an old and well known business practice that retailers have been taking competitor's pricing and marketing into account

Art Unit: 3726

in order to make business decisions. It would follow in the adjusting of discount percentages in the retail industry. Moreover, it is also old and well known in the restaurant industry that the worst problem one can have is empty tables and chairs. Additionally, a relatively high rate of turnover for customers is required in the restaurant field so that the business remains profitable and a system that optimizes revenue by filling the seats to capacity enhance any restaurants earning capacity. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the step of adjusting a discount percentage for restaurant defined competitors to the restaurantrow.com search engine in order to facilitate and encourage use of the incentive and to remain competitive, i.e. make money and ensure the revenue stream. These advantages are well known to those skilled in the art.

As per claim 23, restaurantrow.com does not specifically teach that the dining parameter includes enabling the user to enter an alternate minimum amount to spend. Permitting a user to input an alternate amount can increase the likelihood that a match with the restaurant will be found. The cost of a restaurant is important to many consumers who have to watch how much they spend. Additionally, it well known in the computer art to use profiles to track and create profiles on individual consumers. These profiles could contain the amount a user is willing to spend. Coupon sites, such as CoolSavings.com ask these types of questions in their registrations for various products/services. It is well known in the targeted advertising/direct marketing area that sending incentives/coupons to a consumer who does not have the funds or does not purchase products/services in a given price range is counter productive and not worth

Art Unit: 3726

the expenditure of the funds. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the step of receiving requests along with the dining parameter of the amount the user is willing to spend in order to maximize the chance that the incentive will be redeemed and the seats will be filled thus generating revenue for the restaurant and not wasting funds on worthless incentives and increasing customer satisfaction as more matches mean more satisfied customers.

Systems claims 45 and 47 are rejected for the same reasons set forth in method claims 21 and 23.

4. Claims 1-11, 17-22 and 25-35 and 41-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden, et al. (5,761,648).

As per claim 1, Golden teaches a method for enabling one or more users to request incentives to dine at one or more user selected restaurants, the method comprising the steps of (Abstract, col. 1, lines 58-63):¹

Providing a web site for receiving requests from users for incentives for dining at one or more user selected restaurants (col. 1, lines 5-9² and 58-63; cols. 5-6, lines 43-6);³

¹ The coupons/certificates includes products or services, which would encompass restaurants. Consumers access the data processing system online and browse among their choices and make their selections.

² "Relates to interactive use by service providers and consumers of electronic certificates over online networks." Implicitly includes web sites and the internet. An online service is defined as a business that provides access to databases, file archives, conferences, chat groups, and other forms of information through dial-up, or dedicated communication links or through the Internet. Most online information services also offer access to the Internet connections along with their own proprietary services. The largest consumer online information services in the United States are America Online, CompuServe, and The Microsoft Network. See Microsoft Press Computer Dictionary, Third Edition, 1997, pg. 340. America Online, CompuServe and The Microsoft Network all utilized forms of web sites.

³ The receiving of the request can be as simple as reviewing the available coupons from the available restaurant on the site and downloading the coupon for printing.

Providing a response to the user indicating if any incentives are being offered to the user by the one or more restaurants (cols. 5-6, lines 43-6);⁴

Receiving at the web site a selection from the user for an incentive (cols. 5-6, lines 43-6).

As per claims 2 and 3, Golden teaches as set forth above in claim 1. Golden also teaches requests as set forth in the teachings of claim 1. Golden additionally teaches receiving dining parameters from the users, including when the user wants to dine (Figs. 5 and 7; col. 6, lines 18-44). Golden does not specifically teach that the electronic coupons are used in conjunction with one or more dining parameter. It is old and well known in the restaurant industry that the worst problem one can have is empty tables and chairs. Additionally, a relatively high rate of turnover for customers is required in the restaurant field so that the business remains profitable and a system that optimizes revenue by filling the seats to capacity enhance any restaurants earning capacity. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the step of receiving requests along with one or more dining parameters in order to facilitate and encourage use of the incentive. These advantages are well known to those skilled in the art.

As per claim 4, Golden teaches as set forth above in claim 1. Golden additionally teaches receiving dining parameters from the users (Figs. 5 and 7; col. 6, lines 18-44). Moreover, Golden teaches that household profiles are provided and that coupons

⁴ The response can be that a coupon is available based upon the household profile. Additionally, the response could include a passive response such as removal of expired coupons or not providing coupons based upon the issuers instructions due to limitations based upon distribution are or a consumer's household profile.

Art Unit: 3726

provided can be based upon these profiles (cols. 4-5, lines 54-8). These profiles could contain the minimum amount a user is willing to spend. Coupon sites, such as CoolSavings.com ask these types of questions in their registrations for various products/services. It is well known in the targeted advertising/direct marketing area that sending incentives/coupons to a consumer who does not have the funds or does not purchase products/services in a given price range is counter productive and not worth the expenditure of the funds. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the step of receiving requests along with the dining parameter of the minimum amount the user is willing to spend in order to maximize the chance that the incentive will be redeemed and the seats will be filled thus generating revenue for the restaurant and not wasting funds on worthless incentives.

As per claim 5, Golden teaches applying one or more restaurant defined rules to the request and dining parameters (Abstract).

As per claim 6, Golden teaches the step of processing the incentive requests further comprises the step of determining whether to accept or reject the incentive request on a restaurant by restaurant basis. (Abstract). As the offers can be revised and/or have various instructions pertaining to the certificates including limitations as to the number of certificates to be issued in total and to each individual customer, there could be zero certificates issued to individual customers by the certificate issuers.

As per claims 7 and 8, Golden teaches that one or more rules operate on user entered and internal variables (cols. 4-5). The rules operate on the user profile updated periodically, which are variables entered by the user, the user history, which are

variables entered by the user. Variables are something that is apt to vary or change or make differences between items. Thus, the coupon selection, usage tracking, etc. all are variables of one sort or another.

Claim 9 is rejected for the same reasons set forth in claim 1. The coupons are created and modifiable based upon information received by the issuer (cols. 3-5).

As per claims 10 and 11, Golden does not teach that the incentive is a discounted price or a discounted percentage. The examiner takes Official Notice that discounted price or discounted percentage are old and well known forms of incentives whether on the Internet or in other media. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of making the incentive either a discounted price or a discounted percentage because the skilled artisan would have recognized that this business practice streamlines the process, is well known to the consumer thereby saving time spent by a consumer in determining the amount to be saved and is clearly applicable to the sale of any type of product or service, including restaurant services. These advantages are well known to those skilled in the art.

As per claim 17, Golden does not specifically teach the step of processing the incentive request further comprises the step of determining a maximum amount. However, Golden does teach that the issuer can download new coupon instruction, change old instructions, or upload information on coupon use based on a consumer's household profile (col. 4, lines 54-67). Additionally, Golden teaches that the issuer can

Art Unit: 3726

review these electronic coupons and modify the instructions (col. 5, lines 1-2).⁵ In retail, as in all business, economics plays a key role. The goal is to maximize profits and make money. In designing a coupon, the issuer would intrinsically determine the maximum discount amount that he/she believes would entice the consumer to buy the product, while still allowing the maximum profit to the business. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included the step of determining a maximum discount in the process of Golden in order to increase profits, streamline the business and make money.

As per claim 18, Golden teaches as set forth in claim 17. Golden does not specifically teach determining an adjusted maximum amount by multiply the maximum discount amount with a restaurant defined multiplier. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to determine an adjust maximum discount utilizing a restaurant defined multiplier because Applicant has disclosed that determining an adjusted maximum discount by multiplying the maximum discount amount with a restaurant defined multiplier provides an advantage, issued for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicant's invention to perform equally well with either the maximum discount amount as set forth above in Golden in relation to claim 17 or the adjusted maximum discount because both discounts perform the same function of maximizing revenues and enticing customers into the restaurants.

⁵ The examples of modifications include numbers issued and expiration dates. However, the examiner

As per claim 19, Golden teach the step of processing incentive requests using customer profile information to one or more restaurant ranked target factors (col. 5, lines 9-23).⁶

As per claim 20, Golden does not specifically teach the step of processing the incentive request further comprises the step of determining a base discount percentage. However, Golden does teach that the issuer can download new coupon instruction, change old instructions, or upload information on coupon use based on a consumer's household profile (col. 4, lines 54-67). Additionally, Golden teaches that the issuer can review these electronic coupons and modify the instructions (col. 5, lines 1-2).⁷ In retail, as in all business, economics plays a key role. The goal is to maximize profits and make money. In designing a coupon, the issuer would intrinsically determine the base discount percentage that he/she believes would entice the consumer to buy the product and still get them into the restaurant. This would enable the issuer to expend less money enticing customers into the restaurant and avoid utilizing a maximized discount scheme. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included the step of determining a base discount percentage amount the process of Golden in order to increase profits, streamline the business and make money.

notes the use of e.g. and notes for the record that the modifications are not so limited.

⁶ Use is analyzed by factors. While is not explicitly stated that the factors are "ranked", it is implicit. One can not analyze data in profiles without having the significance of the factors, i.e. redemption vs. number of children in the household.

⁷ The examples of modifications include numbers issued and expiration dates. However, the examiner notes the use of e.g. and notes for the record that the modifications are not so limited.

As per claim 21, Golden does not specifically teach the step of adjusting a discount percentage for restaurant defined competitors. . It is an old and well known business practice that retailers have been taking competitor's pricing and marketing into account in order to make business decisions. It would follow in the adjusting of discount percentages in the retail industry. Moreover, it is also old and well known in the restaurant industry that the worst problem one can have is empty tables and chairs. Additionally, a relatively high rate of turnover for customers is required in the restaurant field so that the business remains profitable and a system that optimizes revenue by filling the seats to capacity enhance any restaurants earning capacity. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the step of adjusting a discount percentage for restaurant defined competitors in order to facilitate and encourage use of the incentive and to remain competitive, i.e. make money and ensure the revenue stream. These advantages are well known to those skilled in the art.

Claim 22 is rejected for the same reasons as claim 4.

As per claim 23, Golden does not specifically teach that the dining parameter includes enabling the user to enter an alternate minimum amount to spend. Golden additionally teaches receiving dining parameters from the users (Figs. 5 and 7; col. 6, lines 18-44). Moreover, Golden teaches that household profiles are provided and that coupons provided can be based upon these profiles (cols. 4-5, lines 54-8). Moreover, permitting a user to input an alternate amount can increase the likelihood that a match with the restaurant will be found. The cost of a restaurant is important to many

consumers who have to watch how much they spend. Additionally, it well known in the computer art to use profiles to track and create profiles on individual consumers. These profiles could contain the amount a user is willing to spend. Coupon sites, such as CoolSavings.com ask these types of questions in their registrations for various products/services. It is well known in the targeted advertising/direct marketing area that sending incentives/coupons to a consumer who does not have the funds or does not purchase products/services in a given price range is counter productive and not worth the expenditure of the funds. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the step of receiving requests along with the dining parameter of the amount the user is willing to spend in order to maximize the chance that the incentive will be redeemed and the seats will be filled thus generating revenue for the restaurant and not wasting funds on worthless incentives and increasing customer satisfaction as more matches mean more satisfied customers.

Systems claims 25-35 and 41-47 are rejected for the same reasons set forth in the method claims above.

5. Claims 2-16, 21-24, 26-40 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston (6,061,660).

As per claims 2 and 3, Eggleston does not specifically teach that the step of receiving the request should include one or more dining parameters. However, Eggleston does teach that the incentives program can be based upon restaurateurs (col. 43, lines 60-63). Additionally, Eggleston teaches that the incentive programs can be based upon customer loyalty (col. 31, lines 54-58). In the restaurant business, it is

Art Unit: 3726

old and well known that customer loyalty takes into account one or more dining parameters, such as ambiance, cost, ability to get a reservation (when the user intends to dine). It is old and well known in the restaurant industry that the worst problem one can have is empty tables and chairs. Additionally, a relatively high rate of turnover for customers is required in the restaurant field so that the business remains profitable and a system that optimizes revenue by filling the seats to capacity enhance any restaurants earning capacity. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the step of receiving requests along with one or more dining parameters in order to facilitate and encourage use of the incentive. These advantages are well known to those skilled in the art.

As per claim 4, Eggleston does not specifically teach that the dining parameter includes the minimum amount the user is willing to spend. However, Eggleston does teach that the incentives program can be based upon restaurateurs (col. 43, lines 60-63). Additionally, Eggleston teaches that the incentive programs can be based upon customer loyalty (col. 31, lines 54-58). The cost of a restaurant is important to many consumers who have to watch how much they spend. Additionally, it well known in the computer art to use profiles to track and create profiles on individual consumers. These profiles could contain the minimum amount a user is willing to spend. Coupon sites, such as CoolSavings.com ask these types of questions in their registrations for various products/services. It is well known in the targeted advertising/direct marketing area that sending incentives/coupons to a consumer who does not have the funds or does not purchase products/services in a given price range is counter productive and not worth

the expenditure of the funds. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the step of receiving requests along with the dining parameter of the minimum amount the user is willing to spend in order to maximize the chance that the incentive will be redeemed and the seats will be filled thus generating revenue for the restaurant and not wasting funds on worthless incentives.

As per claim 5, Eggleston does not specifically teach the step of processing the incentive requests to apply one or more restaurant defined rules to the request and dining parameters. Eggleston does teach that the incentives program can be based upon restaurateurs (col. 43, lines 60-63). Additionally, Eggleston does teach that each object within the incentive program is associated with an action that is associated with an interface for permitting a sponsor to enter parameters associated with an incentive program, an object association application for associating objects with the parameters entered by a sponsor and building a file comprising the objects associated with all of the parameters ... (cols. 6-7, lines 53-6 – rules associated with the parameters of the incentive programs). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied one or more restaurant defined rules to the request and dining parameters given that it this is a restaurant incentive system and restaurant defined rules would streamline the system and speed up the processing of the flow thus ensuring that the system worked to the satisfaction of the host of the system, the sponsor, the consumer and any retailers creating loyalty by all parties and increasing satisfaction and revenues.

As per claim 6, Eggleston does not specifically teach determining whether to accept or reject the incentive request on a restaurant-by-restaurant basis. However, Eggleston does teach that there are winners and losers. Thus, some incentive requests are accepted and some are rejected (col. 32, lines 49-52). Additionally, Eggleston does teach that the incentives program can be based upon restaurateurs (col. 43, lines 60-63). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have determined whether to accept or reject the incentive request on a restaurant by restaurant basis in view of the teaching that the incentive program can be based upon restaurateurs.

As per claims 7 and 8, Eggleston teaches that one or more rules operate on user entered/internal variables (Figs. 15 and 16).

As per claim 9 Eggleston teaches the step of determining whether to issue an incentive and if so, determining the type and amount of incentives (cols. 31-32, cols. 35-39).

As per claims 10 and 11, Eggleston does not specifically teach that the incentive is a discounted price or a discounted percentage. However, Eggleston describes incentive programs to include discount coupon program (col. 1, lines 31-33). Both discounted prices and discounted percentages are well known forms of discount coupon programs, i.e. get \$5.00 off or 5% off your next meal. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use either a discount price or a discount percentage, in view of the teaching of Eggleston that discount coupon

programs were well known incentive programs and discount prices and discount percentages are two of the best known forms of these programs.

As per claim 12, 14 and 15, Eggleston teaches guaranteeing the incentive with a registered mode of payment, enabling one or more user to pay with a register mode of securing a payment and crediting the mode of securing a payment with the incentive, as well as tracking one or more items purchased via s registered mode of securing payment (Fig. 22; col. 32, lines 34-36; cols. 39-41).

As per claim 13, Eggleston teaches awarding one or more reward points when the user performs one or more predetermined activities wherein the one or more reward points have a cash value (col. 7, lines 46-49; cols 31-32, lines 38-36).

As per claim 16, Eggleston teaches that the cash value associated with the reward points can be credited to the user (col. 7, lines 46-49; cols 31-32, lines 38-36; col. 35, lines 26-29).

As per claim 21, Eggleston does not teach the step of adjusting a discount percentage for restaurant defined competitors. It is an old and well known business practice that retailers have been taking competitor's pricing and marketing into account in order to make business decisions. It would follow in the adjusting of discount percentages in the retail industry. Moreover, it is also old and well known in the restaurant industry that the worst problem one can have is empty tables and chairs. Additionally, a relatively high rate of turnover for customers is required in the restaurant field so that the business remains profitable and a system that optimizes revenue by filling the seats to capacity enhance any restaurants earning capacity. It would have

been obvious to one of ordinary skill in the art at the time of the invention to combine the step of adjusting a discount percentage for restaurant defined competitors in order to facilitate and encourage use of the incentive and to remain competitive, i.e. make money and ensure the revenue stream. These advantages are well known to those skilled in the art.

Claim 22 is rejected for the same reasons as claim 4.

As per claim 23, Eggleston does not specifically teach that the dining parameter includes enabling the user to enter an alternate minimum amount to spend. However, Eggleston does teach that the incentives program can be based upon restaurateurs (col. 43, lines 60-63). Additionally, Eggleston teaches that the incentive programs can be based upon customer loyalty (col. 31, lines 54-58). Moreover, permitting a user to input an alternate amount can increase the likelihood that a match with the restaurant will be found. The cost of a restaurant is important to many consumers who have to watch how much they spend. Additionally, it well known in the computer art to use profiles to track and create profiles on individual consumers. These profiles could contain the amount a user is willing to spend. Coupon sites, such as CoolSavings.com ask these types of questions in their registrations for various products/services. It is well known in the targeted advertising/direct marketing area that sending incentives/coupons to a consumer who does not have the funds or does not purchase products/services in a given price range is counter productive and not worth the expenditure of the funds. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the step of receiving requests along with

the dining parameter of the amount the user is willing to spend in order to maximize the chance that the incentive will be redeemed and the seats will be filled thus generating revenue for the restaurant and not wasting funds on worthless incentives and increasing customer satisfaction as more matches mean more satisfied customers.

As per claim 24, Eggleston does not teach that a restaurant defined factor is used to compensate for the alternate minimum spend amount. However, Eggleston does teach that one or more rules operate on user entered/internal variables (Figs. 15 and 16). These rules could easily encompass adjusting the incentive discount by a restaurant defined factor to compensate for the alternate minimum spend amount. Eggleston does teach that the incentives program can be based upon restaurateurs (col. 43, lines 60-63). Additionally, Eggleston teaches that the incentive programs can be based upon customer loyalty (col. 31, lines 54-58). Moreover, as permitting a user to input an alternate amount can increase the likelihood that a match with the restaurant will be found, it is simple economics that the restaurant would want to adjust the incentive to compensate for the alternate amount in order to maximize profits. The cost of a restaurant is important to many consumers who have to watch how much they spend. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the incentive discount by a restaurant defined factor to compensate for the alternate minimum spend amount in order to maximize profits and thus generating revenue for the restaurant and not wasting funds on worthless incentives and increasing customer satisfaction as more matches mean more satisfied customers.

System claims 26-40 and 45-48 are rejected for the same reasons set forth in the method claims.

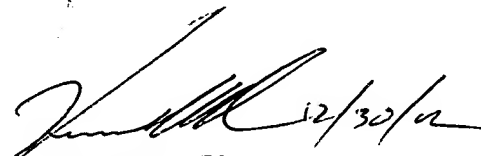
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I. Harle whose telephone number is (703) 306-2906. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Jennifer Ione Harle
December 30, 2002


Kenneth R. Rice
Primary Examiner